

In re: Messina et al.
Serial No.: 09/990,115
Filed: November 21, 2001
Page 19 of 24

REMARKS

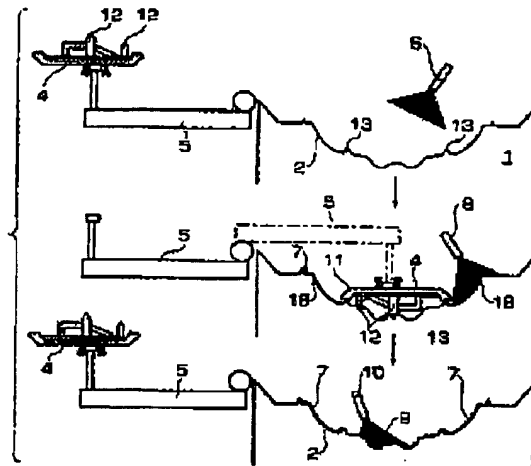
Claims 1-106 are pending. Claims 1-26 and 52-72 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,071,619 to De Winter ("De Winter") in view of U.S. Patent No. 6,335,379 to Leenslag et al. (Leenslag"). Applicants respectfully traverse the rejection of the claims for the reasons set forth below.

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In re: Messina et al.
 Serial No.: 09/990,115
 Filed: November 21, 2001
 Page 20 of 24

§103 Rejections Are Overcome

De Winter describes a method for manufacturing an elastomeric skin comprising surface portions of at least two differently colored elastomeric materials, by spraying the elastomeric materials against a mold surface. A portion of a mold surface is shielded off by a mask and a layer of a first elastomeric material is sprayed onto the surface and onto the edge of the mask. The mask is removed and a second elastomeric material is sprayed onto the previously-masked portion of the mold surface. This is illustrated in Fig. 1 of De Winter, which is set forth below.



De Winter states that an object of his invention is to provide a method for manufacturing an elastomeric skin of at least two elastomeric materials which achieves an aesthetic visual parting line between the elastomeric materials. (De Winter, Col. 1, Lines 17-20). De Winter fails to teach or suggest ascertaining acoustic properties of an article on which a sound attenuating laminate is to be placed. De Winter fails to teach or suggest applying polyurethane only in the identified areas of the substrate wherein sound attenuation characteristics are required. The Office Action of February 3, 2004 conceded that De Winter is "silent about the sound attenuating properties." (Action, Page 3). Moreover, the Final Action also concedes that "De Winter does not disclose considering sound attenuating as part of the selection of materials." (Final Action, Page 2).

In re: Messina et al.
Serial No.: 09/990,115
Filed: November 21, 2001
Page 21 of 24

The secondary reference, Leenslag, describes flexible polyurethane foams and a process to prepare such foams. Flexible polyurethane foams according to Leenslag are prepared by reacting a polyisocyanate and a polyfunctional isocyanate-reactive polymer under foam forming conditions to prepare a rigid polyurethane foam and by crushing this rigid polyurethane foam. Leenslag fails to teach or suggest ascertaining acoustic properties of an article on which a sound attenuating laminate is to be placed and applying polyurethane only in the identified areas where sound attenuation characteristics are required.

The Final Action states that "Leenslag teaches employing the polyurethane foams for sound insulation" and that "by virtue of teaching employing the foams for sound insulation, Leenslag is implicitly teaching that the sound has been noticed, (which corresponds to the step of ascertaining acoustic properties) and that the foam should be applied where the sound is a problem, (which corresponds to applying the polyurethane on the substrate only in the identified areas)." (Final Action, Page 2). The Final Action also states that "in order to apply a sound deadening layer as is taught by Leenslag, the sound must first have been heard and recognized as undesirable and the sound deadening material would necessarily be placed in those regions where the sound would be deadened." (Final Action, Page 2).

Applicants respectfully submit that the Final Action's conclusion that the present invention is obvious over the combination of De Winter and Leenslag is not supported by clear and particular evidence, as required by the Federal Circuit. In fact, the Final Action simply relies on broad brush conclusions. For example, the Final Action states that "Leenslag is implicitly teaching that the sound has been noticed" and then broadly concludes that this "corresponds to the step of ascertaining acoustic properties". The Final Action also states that Leenslag is implicitly teaching that foam should be applied where sound is a problem and that this corresponds to "applying the polyurethane on the substrate only in the identified areas."

The Final Action fails to identify any passages within either De Winter or Leenslag that support this conclusion with clarity and/or particularity. Specifically, the Final Action fails to identify where in Leenslag it is taught or suggested to ascertain acoustic properties of an article on which a sound attenuating laminate is to be placed and then

In re: Messina et al.
Serial No.: 09/990,115
Filed: November 21, 2001
Page 22 of 24

applying polyurethane *only* in the *identified* areas where sound attenuation characteristics are required. The Final Action's conclusions are based solely on the argument that, because Leenslag mentions that foams described therein can be used for sound insulation and automotive seating, the skilled artisan would be motivated to modify De Winter to mask areas of a mold surface corresponding to areas of an elastomeric skin not requiring sound attenuation. However, based on the fact that the mask described by De Winter is not utilized for the purpose of applying elastomeric material on the basis of sound attenuation characteristics, Applicants respectfully submit that one skilled in the art would not be motivated to modify De Winter based on the statement that the Leenslag foams can be used for sound insulation and automotive seating.

Applicants respectfully submit that, in view of the above arguments, independent Claim 1, and all claims depending therefrom, are not rendered obvious by De Winter, alone or in combination with Leenslag. For similar reasons, independent Claims 16, 52 and 65, and all claims depending therefrom, are also not rendered obvious by De Winter, alone or in combination with Leenslag. Accordingly, Applicants respectfully request withdrawal of the present rejections under 35 U.S.C. §103.

Other Claims Are Independently Patentable

Claim 8 is patentable by virtue of its dependence on patentable independent Claim 1 as described above. In addition, Claim 8 recites *identifying areas of the article through which sound within a predetermined frequency range passes at an intensity level that exceeds a threshold intensity level*. Neither De Winter nor Leenslag, alone or in combination, teach or suggest ascertaining acoustic properties of an article that includes identifying areas of the article through which sound within a predetermined frequency range passes at an intensity level that exceeds a threshold intensity level.

The Final Action states that "the teaching of Leenslag regarding the use of sound deadening layers in automotive trim parts implicitly describes both identifying areas of articles through which sound passes at an undesirable level and employing the sound deadening material in those regions to deaden the sound." (Final Action, Pages 2-3). Applicants respectfully submit that the Final Action's reasoning is merely conclusory without

In re: Messina et al.
Serial No.: 09/990,115
Filed: November 21, 2001
Page 23 of 24

clear and particular evidence from any source, including the primary and secondary references. As such, Applicants respectfully submit that Claim 8 is independently patentable. For at least the same reason, Claim 23 is independently patentable.

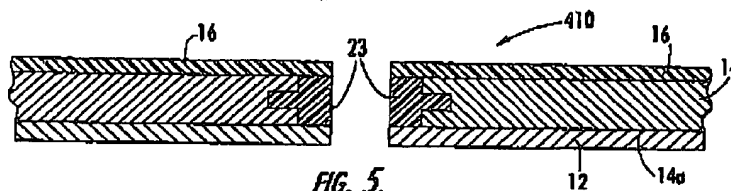
Claim 14 is patentable by virtue of its dependence on patentable independent Claim 1 as described above. In addition, Claim 14 recites *wherein the substrate has one or more recessed portions formed therein, and wherein applying polyurethane onto the substrate comprises applying polyurethane into the one or more recessed portions*. Neither De Winter nor Leenslag, alone or in combination, teach or suggest a substrate having one or more recessed portions formed therein, and wherein applying polyurethane onto the substrate comprises applying polyurethane into the one or more recessed portions.

The Final Action states that "De Winter teaches recessed portions" (Final Action, Page 3). However, the Final Action fails to identify any passage in De Winter for this alleged teaching. As such, Applicants respectfully submit that Claim 14 is independently patentable. For at least the same reason, Claim 63 is independently patentable.

Claim 15 is patentable by virtue of its dependence on patentable independent Claim 1 as described above. In addition, Claim 14 recites *integrally forming a secondary article with the substrate, and wherein applying polyurethane onto the substrate comprises applying polyurethane into areas adjacent the secondary article*. Neither De Winter nor Leenslag, alone or in combination, teach or suggest forming a substrate in the shape of the article comprises integrally forming a secondary article with the substrate, and wherein applying polyurethane onto the substrate comprises applying polyurethane into areas adjacent the secondary article.

The Final Action states that "the claim is interpreted to read that the substrate with the coating is formed into a secondary article, i.e., a panel would be formed into a dashboard, etc., which is taught by De Winter." (Final Action, Page 3). Applicants respectfully assert that the claim interpretation made by the Final Action is incorrect.

Fig. 5 from Applicants' application is set forth below:



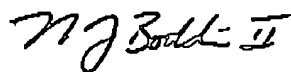
In re: Messina et al.
Serial No.: 09/990,115
Filed: November 21, 2001
Page 24 of 25

In Fig. 5, a sound attenuating laminate 410 includes a substrate 14 having opposite first and second surfaces 14a, 14b. A secondary article (e.g., a plastic pass-through) 23 is molded-in with the substrate 410. The first surface 14a is attached to an article 12, such as a vehicle panel, as illustrated. The article 12 includes an aperture that is in communication with the aperture in the secondary article 23. Accordingly, an item, such as a cable, can be extended through the article aperture and through the sound attenuating laminate 410. A polyurethane barrier layer 16 is applied to the substrate second surface 14b such that it overlies the molded-in secondary article 23 and surrounding area. The polyurethane barrier layer 16 is a non-porous polyurethane and is configured to attenuate sound passing through the article 12 and through the substrate 14. The additional polyurethane 16 enhances sound attenuation characteristics of the sound attenuating laminate 410 in the area of the molded-in secondary article 23. Secondary articles molded-in with substrates according to embodiments of the present invention can have various sizes, shapes, and configurations.

De Winter does not teach or suggest integrally forming a secondary article such as a plastic pass-through with a substrate. Moreover, De Winter does not teach or suggest applying polyurethane into areas adjacent an integrally formed secondary article, such as a plastic pass-through. As such, Applicants respectfully submit that Claim 15 is independently patentable. For at least the same reason, Claim 26 and 64 are independently patentable.

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



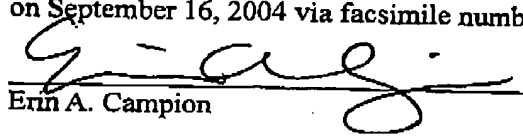
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In re: Messina et al.
Serial No.: 09/990,115
Filed: November 21, 2001
Page 25 of 25

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Erin A. Campion

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